

(a) The City Manager shall determine the manner and methods by which and persons by whom examinations shall be prepared and administered.

(b) The City Council may contract with any competent agency or individual for the performance of preparation and administration duties for examinations. In the absence of such a contract, the Human Resources Division shall perform such duties.

Section 8.4 Scoring Examinations and Qualifying Scores

(a) A candidate's score in a given examination shall be the average of candidate's scores on each competitive part of the examination, weighted as

determined by the personnel officer. Failure in one part of the examination may be grounds for declaring such applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination.

(b) The personnel officer may, at the Officer's discretion, include as part of the examination tests which are qualifying only.

Section 8.5 Notification of Examination Results and Review of Papers

(a) Each candidate in an examination shall be given written notice of the results thereof, and if successful, of the candidate's final earned score and placement on the employment list.

(b) Any candidate shall have the right to inspect the candidate's own examination paper according to the rules of the Human Resources Division. Any error in computation, if called to the attention of the personnel clerk within one month after the date of mailing of notices, shall be corrected. Such corrections shall not, however, invalidate appointments previously made.

Section 8.6 Veterans Preference

No veterans preference shall be allowed for examinations for positions within the classifications set forth in Appendix "A" of this Memorandum of Understanding.

Section 9. Appointments

Section 9.1 Sources of Appointments to Fill Vacancies

(a) Whenever the City Manager determines that a vacancy in a class described in Appendix "A" of this Memorandum of Understanding is to be filled, it shall

be filled by reemployment, transfer, demotion, or from eligibles certified by the City Manager or the Manager's designee from an appropriate employment or promotional list, if available.

(b) Whenever the City Manager determines that a vacancy in a class description in Appendix "A" of this Memorandum of Understanding is to be filled, the City Manager shall determine the availability of employees for reemployment, requests for transfers, or demotion, and of eligibles on employment or promotional lists for the class.

(c) The City Manager shall certify the eligibles available to fill the vacancy by reinstatement, transfer, or demotion or from a promotional or employment list.

Section 9.2 Order of Certification

Whenever certification is to be made, the employment lists, if each exists, shall be used in the following order: reemployment list, promotional list, open-competitive list. Whenever there are fewer than three names on a promotional list or an open-competitive list, the City Manager may make an appointment from among such eligibles or may establish a new list.

Section 9.3 Nepotism

(a) No person shall be appointed to a position in a classification set forth in Appendix "A" if a member of the immediate family of such person is employed within the same department to which such position is assigned if the City Manager determines, within his/her sole discretion, that a) (1) for business reasons of supervision, safety, security, or morale, it would be inappropriate to place one such person under the direct supervision of the other; and (2) the appointment cannot be made without one employee being under the supervision of the other; or b) the placement of both persons in the department involves potential conflicts of interest greater for persons so related than for non-related persons, and that such conflicts cannot be resolved by control of duty assignments.

(b) If such appointment is made, the employees involved shall be assigned, if possible, so that one is not under the direct supervision of the other, or employed to work in conjunction with the other under ordinary circumstances.

(c) If, due to marriage or otherwise, persons employed in the same department become members of an immediate family, the City Manager shall, to the extent possible, assign such persons to duties in such manner that neither is under the direct supervision of the other, and neither is assigned to work in conjunction with the